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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/991,518	11/16/2001	William Fenical	6627-PA1022

CONFIRMATION NO. 7755

FORMALITIES LETTER



OC00000007319835

Colleen J. McKiernan
Brown Martin Haller & McClain
1660 Union Street
San Diego, CA 92101

Date Mailed: 01/17/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

03/04/2002 SMINASS1 00000038 09991518

FILED UNDER 37 CFR 1.53(b)

01 FC:205

65.00 OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Alice O. *A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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Please type a plus sign (+) inside this box →

PTO/SB/21 (6-98)
Approved for use through 09/30/2000. OMB 0651-0037
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

SECTOR \$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/991,518
		Filing Date	November 16, 2001
		First Named Inventor	FENICAL, WILLIAM ET AL
		Group Art Unit	1645
		Examiner Name	UNKNOWN
Total Number of Pages in This Submission	14	Attorney Docket Number	6627-PA1022

ENCLOSURES (check all that apply)

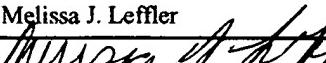
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <input type="checkbox"/> Notice to File Missing Parts; Return Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

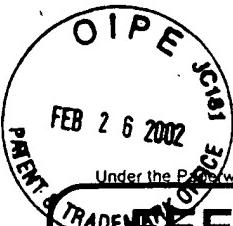
Firm or Individual name	Colleen J. McKiernan
Signature	
Date	February 12, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

Typed or printed name	Melissa J. Leffler
Signature	
Date	February 12, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT	(\\$) 105	Complete if Known
		Application Number 09/991,518
		Filing Date November 16, 2001
		First Named Inventor FENICAL, WILLIAM ET AL
		Examiner Name UNKNOWN
		Group Art Unit 1645
		Attorney Docket No. 6627-PA1022

METHOD OF PAYMENT	FEE CALCULATION (continued)				
1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to: Deposit Account Number 02-4070 Deposit Account Name Brown Martin Haller & McClain <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	3. ADDITIONAL FEES	Large Entity	Small Entity	Fee Description	Fee Paid

1. BASIC FILING FEE	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
Large Entity	101 740	201 370	Utility filing fee		
Small Entity	106 330	206 165	Design filing fee		
	107 510	207 255	Plant filing fee		
	108 740	208 370	Reissue filing fee		
	114 160	214 80	Provisional filing fee		
SUBTOTAL (1) (\$)	0				
2. EXTRA CLAIM FEES	Fee from below	Fee Paid			
Total Claims	-20** =	X	= 0		
Independent Claims	- 3** =	X	= 0		
Multiple Dependent			= 0		
Large Entity	Small Entity				
Fee Code (\$)	Fee Code (\$)	Fee Description			
103 18	203 9	Claims in excess of 20			
102 84	202 42	Independent claims in excess of 3			
104 280	204 140	Multiple dependent claim, if not paid			
109 84	209 42	** Reissue independent claims over original patent			
110 18	210 9	** Reissue claims in excess of 20 and over original patent			
SUBTOTAL (2) (\$)	0				
*or number previously paid, if greater; For Reissues, see above					
Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$)					
105					

SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Colleen J. McKiernan	Registration No. (Attorney/Agent)	48,570	Telephone	619-238-0999
Signature	<i>Colleen J. McKiernan</i>	Date	February 12, 2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of)
William FENICAL et al.) FOR: MARINE ACTINOMYCETE TAXON
Serial No.: 09/991,518) FOR DRUG AND FERMENTATION
Filed: November 16, 2001) PRODUCT DISCOVERY
) Group
) Art Unit: 1645

**LETTER IN RESPONSE TO NOTICE TO FILE
MISSING PARTS OF APPLICATION**

Commissioner for Patents
Washington, D.C. 20231
Box Missing Part

Dear Sir:

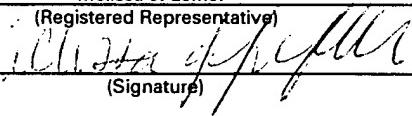
In response to the Notice to File Missing Parts of Application - Filing Date Granted,
which was mailed by the Office on January 17, 2002, enclosed are the following:

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: Commissioner for Patents , Washington, D.C. 20231 on:

February 12, 2002
(Mailing Date)

Melissa J. Leffler

(Registered Representative)


(Signature)

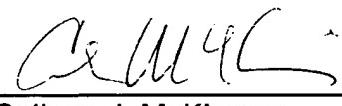
February 12, 2002
(Date of Signature)

1. A check in the amount of \$65.00 for the surcharge fee;
2. Office's copy of Formalities Letter;
3. Executed Oath and Declaration;
4. Return postcard.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-4070 referencing 6627-PA1022.

Respectfully submitted,

Dated: February 12, 2002

By: 
Colleen J. McKiernan
Agent for Applicant
Registration No. 48,570

BROWN MARTIN HALLER & McCLAIN LLP
1660 Union Street
San Diego, California 92101

Telephone: (619) 238-0999
Facsimile: (619) 238-0062

Docket No.: 6627-PA1022